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Summary of stakeholders' submissions on Romania*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 14 stakeholders' submissions to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies

2. It was recommended that Romania ratify ICRMW [1] and OP-ICESCR.[2]

B. National human rights framework

3. Joint Submission (JS) 1, JS2 and the Commissioner for Human Rights of the Council of Europe (CoE-Commissioner) noted the re-establishment of the National Authority for the Protection of the Rights of Children and Adoption in 2014.[3] CoE-Commissioner urged the Government to allocate adequate resources to ensure its effective functioning.[4]

4. Furthermore, JS2 reported that Romania did not have an independent institution for the protection of rights of children and youth. A deputy Ombudsman was assigned to coordinate the matters related to rights of the child, youth, family, retirees and persons with disabilities. In 2016, the Parliament rejected a legislative proposal to establish an Ombudsman for the protection of the rights of the child.[5] JS1 recommended establishing an Ombudsman for the rights of the child, in line with three recommendations [6] from the universal periodic review of 2013.[7]

* The present document was not edited before being sent to United Nations translation services.

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5. In 2017, CoE-Commissioner welcomed the broad mandate given to the national preventive mechanism, functioning within the Office of the Ombudsman and that it visited a considerable number of residential institutions since 2014.[12]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination[13]

6. ACCEPT Association (ACCEPT) recommended adopting a strategy on preventing and combatting discrimination, and annual action plans for its implementation.[14] European Commission against Racism and Intolerance (CoE-ECRI) made a similar recommendation.[15]

7. Save the Children Romania (SCR) stated that Roma children, children from poor families, those living in rural areas, children with disabilities or those who had identified as lesbian, gay, bisexual and transgender (LGBT) persons continued to be discriminated in sectors such as education or health care.[16]

8. Equality and Human Rights Action Centre (ACTEDO) noted that Roma and LGBT+ persons had reportedly been target of hate speech.[17] CoE-Commissioner was concerned about the high incidence of anti-Roma rhetoric in public and political discourse.[18] Pro Regio Siculorum Association (PRS) reported that anti-Hungarian sentiment and hate speech had increased and that social media and news channels were flooded with messages against Hungarian community by politicians and media representatives.[19]

9. ACCEPT stated that hate-crimes remained underreported.[20] The European Union Agency for Fundamental Rights (EU-FRA) noted information, indicating a lack of understanding among police officers regarding what a hate crime is and how to investigate the bias motive of a crime.[21] ACCEPT reported on the lack of comprehensive and systematically collected data on hate-crimes.[22]

10. CoE-Commissioner encouraged the authorities to ensure that hate speech is not tolerated and perpetrators are brought to justice,[23] and to condemn firmly and unequivocally all instances of hate speech and hate crime.[24]

11. CoE-ECRI recommended ensuring that the legislation prohibiting incitement to hatred is applied to all politicians who make racist statements; and introducing legal provisions on the obligation to suppress public financing of organisations, which promote racism and discrimination. It recommended introducing a code of conduct in Parliament, which regulate and sanction, inter alia, any racist discourse made by members of parliament.[25]

12. CoE-Commissioner urged Romania to pay particular attention to the recording of hate speech and hate crimes.[26] Likewise, CoE-ECRI recommended, in 2014, devising a comprehensive data-collection system on the application of criminal law provisions against racism and racial discrimination. Such a system should record the number of investigations opened by the police, the cases referred to the prosecutor, the number of cases pending before the courts and their final decisions.[27] In 2017, CoE-ECRI observed that there was still no such a comprehensive data collection system available.[28]

13. EU-FRA stated that the 2011 Civil Code prohibited same-sex partnership and marriage and prohibited the recognition of such partnership and marriages concluded in other countries.[29] Despite this, ACCEP and ACTEDO reported on an initiative to hold a referendum in order to amend the Constitution to specify the legal definition of family as a marriage between a man and women.[30] ACTEDO noted a high level of intolerance displayed towards LGBT+ persons by many public figures during the referendum campaign.[31]

14. ACCEPT stated that gender identity was not explicitly included in the list of criteria of non-discrimination and that the rights of transgender people remained largely ignored by

the authorities.[32] There were no official medical protocols and training for professionals on providing healthcare services for transgender persons and very few psychologists and medical professionals were available to provide such services. Medical interventions were not covered by the public healthcare insurance. The legislation on name change obliged transgender persons to go through court procedures. In the absence of clear regulations and laws, the courts issued contradictory interpretation of the law on aspects of gender-affirming surgery.[33]

2. Civil and political rights

Right to life, liberty and security of person[34]

15. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT) repeated its recommendation that law enforcement personnel should be reminded that any form of ill-treatment is an offence and will be punished accordingly. It also noted that, during an arrest, police officers should not use more force than is strictly necessary and that there can be no justification for rough treatment of a person who is already under restraint. It also repeated its recommendation to the authorities that they should convey a clear message to all prison staff, particularly members of rapid response groups, in all prisons, that ill-treatment of prisoners is an offence and will be punished accordingly.[35]

16. CoE-Commissioner urged Romania to ensure that all allegations of ill-treatment committed by law enforcement officers are promptly and effectively investigated and that adequate, dissuasive penalties are imposed on those committing such acts.[36]

17. CoE-CPT recommended that, in the procedure for non-voluntary hospitalization, the psychiatrist who admitted the patient should not sit on the special commission responsible for approving the non-voluntary hospitalization.[37] It recommended that all patients (or, if they do not have legal capacity, their legal representative) should be systematically informed of their status and the treatment they have been prescribed and that doctors should always seek the patient's consent before beginning any treatment. Furthermore, CoE-CPT recommended that measures should be taken to ensure that a clear distinction is made in the law between the procedure for non-voluntary placement and treatment without consent.[38]

18. ACTEDO stated that adequate specialised services to victims of physical or sexual violence were underdeveloped and that they were denied access to shelters, which were guaranteed only to victims of domestic violence.[39]

19. It noted that despite existing legislation on domestic violence, programmes and services to prevent and combat domestic violence were scarce and poorly funded.[40]

20. ACTEDO recommended designing and implementing a national strategy on gender-based violence, amending the law on domestic violence to expand its scope to all forms of gender-based violence and ensuring its effective implementation.[41]

Administration of justice, including impunity and the rule of law[42]

21. CoE-CPT reiterated its recommendation to the authorities that all persons deprived of their liberty by the police have the right to inform a friend or relative or a third party of their situation as soon as they are deprived of their liberty. Exercise of that right may be subject to certain exceptions intended to protect the legitimate interests of the police enquiry, on the condition that such exceptions are clearly defined in law and backed up with appropriate safeguards.[43] CoE-CPT also recommended that the authorities should ensure that such persons may hold confidential discussions with a lawyer, as provided for in Romanian law.[44]

22. CoE-CPT called on the authorities to take measures to ensure that any new arrival in police detention facilities is given a medical check by a health professional in the detention facilities infirmary as soon as possible, and within a maximum of 24 hours of admission, in conditions that guarantee respect for medical secrecy.[45]

23. CoE-CPT recommended that the authorities should redouble their efforts to draw up a policy that places emphasis on non-custodial sentences and alternatives to imprisonment.[40]

24. ACTED0 noted that several recommendations[41] from the universal periodic review called on Romania to ensure the access to justice for vulnerable groups. It stated that little had been done to address the obstacles to access to justice faced by vulnerable groups. Romania had a low budget for legal aid. Victims of discrimination often did not qualify for legal aid. Alternative forms of legal assistance such as pro bono lawyering were discouraged and practiced on a very limited scale.[42] It recommended that Romania design and implement a national strategy on access to justice, targeting vulnerable groups, increase the annual budget allocated to legal aid and establish legal information centres in each county. It recommended removing any restrictions to the practice of non-state legal aid schemes, such as pro bono lawyering and university legal clinics.[43]

25. CoE-ECRI recommended setting up an independent mechanism for dealing with complaints against the police.[44] CoE-Commissioner made a similar recommendation in 2014 and in 2016.[45]

Fundamental freedoms[46]

26. CoE-ECRI recommended amending the law on religious freedom to ease the requirements, which religious associations needed to meet in order to be recognised as a religious denomination or a religious association.[47]

Prohibition of all forms of slavery[48]

27. The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (CoE-CP) and the Group of Experts on Action against Trafficking in Human Beings (CoE-GRETA) noted steps taken by Romania, inter alia, to develop the legislation for combating human trafficking, to provide training in human trafficking to relevant professionals, to raise general awareness of human trafficking and to prevent trafficking in children.[49]

28. CoE-CP and CoE-GRETA recommended that Romania intensify its efforts to prevent trafficking for the purpose of labour exploitation and trafficking in children, to improve the timely identification of victims of human trafficking and to provide assistance to them, to improve the identification of an assistance to child victims of trafficking and to guarantee access to compensation to victims of human trafficking.[50]

29. CoE-GRETA welcomed the high rate of convictions of human trafficking and considered that Romania should continue to take measures to ensure that human trafficking cases are investigated proactively, prosecuted successfully, and lead to effective, proportionate and dissuasive sanctions, including in cases in which the perpetrators were public officials.[51] The authorities should protect victims and witnesses of human trafficking and prevent intimidation during the investigation and during and after the court proceedings.[52]

3. Economic, social and cultural rights

Right to health[53]

30. JS3 reported on an increase in the number of persons with HIV among vulnerable groups. The national HIV program has not been actively implementing the new approaches on HIV prevention and has not targeted MSM (men having sex with men). The drug procurement scheme based on a decentralized system led to inconsistencies and gaps, affecting access to treatment and health care of patients who were covered by antiretroviral treatment.[54] The national drug strategy for 2013-2020 lacked financial support and operational plans to scale up HIV/AIDS prevention interventions by targeting people who injected drugs. The harm reduction interventions were mainly based on external donors.[55]

31. JS3 stated that health care units refused to treat women living with HIV for obstetrics and gynaecological needs, leading to cases when patients did not receive

adequate medical treatment, resorted to self-medication or unsafe abortion, were subject to discrimination and did not declare their HIV status when accessing healthcare services. Cases of discrimination against persons living with HIV in healthcare services remained unpunished and undocumented.[62]

32. JS3 recommended adopting the national strategy on HIV/AIDS and allocating an adequate budget for its implementation, ensuring the provision of information and training of medical personnel on HIV and the rights of patients with HIV, and adopting legislation that allows HIV testing without parental consent below 18 years of age.[63] It recommended strengthening access to opioid substitution treatment, scaling up the methadone maintenance treatment, and increasing and subsidizing the needle and syringe programs.[64]

33. ACTEDO noted the high rate of teenage pregnancy and the absence of a national strategy on reproductive health.[65] JS3 stated that parental consent for accessing sexual and reproductive health care services were legally required until 16 years old, but in practice, health care providers required parental consent until 18 years old.[66] It recommended adopting a national strategy on sexual and reproductive health and rights and preventing teenage pregnancy and ensuring services to support teenage mothers.[67]

Right to education[68]

34. The National Student's Council (CNE) noted the low amount of public funding in education system, particularly insufficient funding in school infrastructure, teaching materials and in training for teachers. It referred to studies, showing that a large portion of the public expenses to education had been directed to the wealthiest parts of society.[69] CNE reported on the problem of early school leaving.[70] SCR concluded that faced with an increasing rate of school dropout, a high number of children out of school and an inadequate financing of public education, Romania must take measures to guarantee access to free of charge and high quality education to all children.[71]

35. ACTEDO stated that sexual education had not been part of the compulsory school curricula.[72] JS3 explained that health education subject in school curriculum included some elements of sexual education. This subject remained, however, optional depending on the decision of a school. Biology teachers, who had no training on sexual education, taught this subject.[73] JS3 recommended introducing a mandatory comprehensive sexual and reproductive health education in schools and ensuring that sexuality education is evidence-based, gender sensitive and non-discriminatory.[74] JS2 recommended developing teachers training courses on education for sexual and reproductive health and creating opportunities in formal education settings for specialized NGOs to promote sexual and reproductive health.[75]

36. ACTEDO recommended designing and implementing a human rights education in schools.[76]

4. Rights of specific persons or groups

Children[77]

37. SCR referred to studies, indicating verbal and physical abuses against children, including as a pedagogical method used in schools. Physical abuse occurred more often against children living in rural areas, against boys and against Roma children.[78] CoE-Commissioner stated that children in institutions were reported to suffer from physical and emotional neglect, corporal punishment and the use of unlawful restraints.[79]

38. JS1 noted an increase in incidents of sexual abuse against children and of sexual exploitation of children. Children had been increasingly at risk of being subject to online child sexual exploitation and child pornography.[80] JS1 reported on legal amendments made to combat child sexual exploitation. Penalties had increased for sexual assault and rape for victims who were younger than 18 (previously 16) years old. The use of child prostitution was explicitly criminalised. The Penal Code was amended to introduce definition for child pornography.[81] However, JS1 reported on a lack of specialised services and support for child victims of sexual exploitation.[82]

39. JS1 recommended inter alia providing tailored recovery and reintegration services for child victims of sexual exploitation, and including the issue of child sexual exploitation in the training curriculum for relevant professionals to strengthen their capacities in identifying child victims of sexual exploitation.[83]

40. JS1 reported on persisting problem of early child marriages.[84] It recommended developing information campaigns on the risks and criminal penalties related to early marriages or sexual exploitation of children.[85]

41. CoE-Commissioner was concerned about the high number of abandoned children, some 80 000 of whom were left behind by migrant parents working abroad.[86] He called on Romania to prevent the separation of children from their families, support the reintegration of such children in their families and provide alternative care where this is in the best interest of the child.[87]

42. CoE-Commissioner was concerned about the situation of street children, who were affected by social exclusion, violence and abuse.[88] He noted that no public funds were allocated for a more integrated protection of street children.[89] CoE-Commissioner urged Romania to ensure that street children have effective access to education, health services, shelter and food.[90]

43. CoE-GRETA considered that the authorities should continue taking steps to ensure that all children were registered at birth.[91]

44. In 2014, CoE-Commissioner noted with concern the institutionalisation of a large number of children, including children with disabilities, the inadequacy of the care provided to them in such institutions, and the lack of transition programmes to adulthood.[92] In 2017, CoE-Commissioner welcomed the fact that the number of children institutionalised dropped in due to the continuous efforts of the authorities to develop alternative, family-type services. He encouraged Romania to pursue this policy to which adequate resources should be allocated.[93]

45. SCR and EU-FRA reported on a high percentage of children at risk of poverty or social exclusion.[94] EU-FRA noted an anti-poverty package, which was launched in 2016 in the framework of the implementation of a national strategy on poverty reduction for 2015-2020.[95]

46. SCR reported on a high rate of infant mortality and of mortality of children under 5. It noted a decrease in access to vaccination. Health care, including primary medical care, was less accessible to children from rural areas.[96]

47. JS2 reported on the lack of access of youth to employment. It stated that internship experience became a standard requirement for young people to be able to get a job, but they were inaccessible for many young people because those programmes were usually unpaid.[97] EU-FRA noted recommendations from the European Commission to Romania to address the implementation of the Youth Guaranteed scheme, which aims at ensuring that people under 25 years of age have a good-quality job offer and were in continued education or have an apprenticeship of traineeship within four months of leaving school or becoming unemployed.[98]

48. CoE-Commissioner welcomed the abolition of the penalty of imprisonment for minors. However, he noted with concern the continued presence of children in prisons or in prison-like conditions, with no adequate access to education.[99]

49. JS1 reported on the lack of support and on the risk of revictimization of child victims involved in judicial procedures.[100] EU-FRA reported on a lack of child-friendly environment in courts. A specialised court existed only in Brasov, while the legislation provided for the establishment of specialised courts countrywide.[101]

Persons with disabilities[102]

50. Centre for Legal Resources (CLR) stated that the number of persons with disabilities in social care centres had increased.[103] In 2014 and 2017, CoE-Commissioner made similar observations.[104] He reported that many persons with disabilities were living in medical institutions, mostly in psychiatric hospitals.[105]

51. CoE-Commissioner noted reports concerning the inadequate living conditions, social marginalisation and ill-treatment faced by persons with disabilities in institutions and the lack of access to justice for them.[106] He referred to the official statistics, showing a high number of persons with disabilities who died in recent years in institutions under the Ministry of Health.[107]

52. In 2017, CoE-Commissioner welcomed the adoption of a strategy for deinstitutionalisation of persons with disabilities living in large and old institutions for 2016-2018.[108] He called on the authorities to close down old-type residential institutions and to allocate adequate resources for the development of community-based alternatives.[109] CLR made similar recommendations.[110]

53. Furthermore, CoE-Commissioner stated that all allegations of unlawful acts committed against persons living in institutions must be promptly and effectively investigated and those responsible should be brought to justice.[111] He urged Romania to improve domestic legislation and to introduce practical measures in order to ensure the effective access of persons with disabilities to all legal proceedings concerning them.[112] CLR recommended investigating the circumstances which led to the deaths of persons with disabilities, placed in social care centres and in psychiatric hospitals, and preventing such cases.[113]

54. CoE-Commissioner noted the number of barriers to independent living faced by persons with disabilities, including the lack of alternatives to institutional care and the poor accessibility of public space and services. Persons with disabilities continued suffering from a high rate of unemployment and faced difficulties in accessing the labour market on an equal basis with others.[114]

55. CoE-Commissioner urged Romania to ensure that the physical environment and services, including transportation are accessible and effectively available to persons with disabilities on an equal basis with others, and to ensure the effective access of persons with disabilities to the public and private labour market and to encourage the employment of persons with disabilities.[115] He called on the authorities to address societal prejudices against persons with disabilities and to promote an inclusive environment conducive to the full integration of persons with disabilities in society.[116]

56. CoE-Commissioner noted with concern that persons with disabilities might be fully deprived of legal capacity and of a series of rights including the right to vote and to be elected.[117] CoE-Commissioner noted that deprivation of legal capacity was subject to safeguards, including the obligation of the court to hear the concerned person. However, there were concerns expressed about the practice of some courts to sometimes omit the hearing of the concerned persons.[118]

57. CoE-Commissioner noted reports, indicating that despite potential conflicts of interest, heads of institutions were often appointed as guardians of persons living in institutions. The legal representation of persons with disabilities was inadequate, with no guardian being appointed, or with conflicts of interests arising between the guardian and the concerned persons.[119] CLR made similar observations.[120]

58. CoE-Commissioner called on the authorities to review domestic legislation in light of Article 12 of CRPD, in order to establish a single system recognising the right of persons with disabilities to enjoy legal capacity on an equal basis with others in all aspects of life. He urged Romania to develop laws and policies to replace the regime of substituted decision-making with supported decision-making and to ensure that persons with disabilities are recognised as persons with equal standing in courts and can effectively challenge any interference with their right to legal capacity.[121]

59. CoE-Commissioner noted that a large share of children with disabilities were educated according to special programmes, in special or mainstream schools and the low levels of accessibility of higher education institutions to them.[122] He noted the reported practice of mainstream schools refusing the enrolment of children with disabilities, and some cases of children with disabilities, who had been ill-treated by their educators and peers.[123] CoE-Commissioner urged Romania to promote inclusive education, to establish ambitious targets for the transfer of children with disabilities from special to mainstream

education, and to ensure the accessibility of all education institutions to persons with disabilities.[124]

Minorities[125]

60. CoE-ECRI stated that the law on national minorities had not yet been adopted.[126]

61. The 2016 report of the Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE/ODIHR) indicated that each recognized national minority was entitled to one seat in the Chamber of Deputies, which was not subject to the five percent threshold.[127] However, CoE-ECRI noted that the five percent threshold set for the eligibility of candidates in local elections could hinder the ability of national/ethnic minorities to elect their representatives.[128]

62. JS4 stated that the implementation of provisions of the law on public administration, requiring the use of minority languages to indicate the names of localities in minority communities with over 20 percent representation, had been unsatisfactory. Local authorities often interpreted the threshold requirement in a restrictive manner.[129] The law also regulated the use of minority languages in relation with administrative authorities and stipulated that the minority representatives could submit applications and receive a reply in their language in communities with 20 percent representation. However, the relevant provisions of the law were rarely implemented.[130]

63. CoE-ECRI explained that the Hungarian community remained the largest minority and represented 6 percent of the population.[131] PRS considered that the legally guaranteed rights of members of the Hungarian minority had been violated in recent years.[132] JS4 stated that in many areas traditionally inhabited by members of the Hungarian community with substantial representation, street names remained monolingual or partially bilingual.[133] PRS reported on lawsuits against various local councils where the Hungarian community constituted 75 per cent of the total population for putting up inscriptions that read "Községháza" ("Town hall" in Hungarian). The courts ordered the inscriptions to be removed.[134] Additionally, PRS reported on persecution for the use of symbols and identity markers of the Hungarian community and lawsuits against Hungarian mayors and local councils for putting up the Szekler flag on buildings of the local administration. It stated that after several court rulings, it was forbidden to raise the flag on institutions or anywhere outside.[135] CoE-ECRI made similar observations.[136]

64. PRS stated that in the municipalities where Hungarian population constituted a majority, not all local council resolutions were translated into Hungarian. Official forms were often not available in Hungarian. PRS noted the lack of bilingualism in the judiciary.[137]

65. JS4 reported that the authorities had consistently tried to restrict the right of peacefully assembly of the Hungarian speaking Szekler community, particularly through prior restraint on and sanctions and penalties imposed during/after their annual event, the Day of Szekler Freedom.[138] PRS made simillar observations.[139]

66. JS4 recommended inter alia amending relevant legislation to ensure its full compliance with the obligations stemming from the ratified treaties on the rights of minorities and ensuring full implementation of the law on public administration.[140] In particular, CoE-ECRI recommended ensuring that the principle of equal treatment is applied as concerns the display and use of national and regional symbols and to remedy any breach thereof.[141] JS4 recommended guaranteeing the right of freedom of assembly of minorities without discrimination; and particularly ensuring that the rights of participants and organisers of the Day of Szekler Freedom are not unduly restricted.[142]

67. JS4 reported on several challenges that children belonging to minorities faced in accessing education in their mother tongue.[143] SRP explained that the national school curriculum was modified to allow Hungarian children to study Romanian as a foreign language, instead of studying it as their mother tongue. However, this only applied to pupils at the elementary school level.[144] JS4 stated that in many Hungarian-language high schools, vocational subjects were still taught in Romanian due to shortage of teachers able to teach in Hungarian.[145]

68. JS4 recommended ensuring equal access to education of minorities by inter alia removing any physical or financial barriers in accessing education in minority language, and to technical and vocational education in the minority language.[146] It recommended ensuring that minority pupils learn Romanian language as a second language from kindergarten to high school based on a separate curriculum addressing their language needs.[147]

69. JS4 referred to findings of a research, indicating that most history textbooks omitted the role of minorities in the history of Romania and strengthened existing stereotypes. The textbooks failed to offer a fair representation of religious diversity.[148] It recommended revising the curricula and history textbooks to ensure that diversity of cultures and perspective of minorities are reflected and that stereotypes and prejudices are eliminated.[149] CoE-ECRI made similar recommendations.[150]

70. CoE-Commissioner noted with concern the fact that over 70 percent of Roma lived below the poverty line, while only around 35 percent of them were employed.[151]

71. CoE-Commissioner was concerned about the dire housing situation of Roma. A lack of basic amenities, overcrowded spaces, segregation and a high risk of eviction characterised the housing situation of many Roma.[152] ACTEDO stated that the forced evictions of members of the Roma had become a common practice. Without access to basic utilities and services, and running water, evicted persons remained in a situation of poverty and social exclusion. National law did not regulate how local municipalities should conduct evictions.[153]

72. CoE-Commissioner stated that many Roma communities continued to deal with the impact of forced evictions and residential segregation, which often led to their inability to secure identification documents and to access health care, schools and the labour market.[154] ACTEDO reported that the legislation on public housing mandated local authorities to establish the criteria for allocating social housing, which resulted in an uneven practice that most often excluded vulnerable groups. The procedure to apply for social housing was highly bureaucratic and based on identification documents that many Roma did not have. Additionally, social housing was scarce.[155]

73. CoE-Commissioner called on Romania to commit to legislative changes to prevent unlawful forced evictions of Roma, to reintroduce a statute of limitations for the demolition of unauthorised housing, to introduce a remedy with automatic suspensive effect against forced evictions allowing for a full review of proportionality and to curb forced evictions.[156] ACTEDO[157] and CoE-ECRI[158] made similar recommendations. ACTEDO recommended increasing the annual budget allocation for social housing and amending the law on public housing to establish a clear national framework of social housing that prioritize vulnerable groups, including Roma.[159]

74. CoE-Commissioner stated that despite progress in the inclusion of Roma children in the education system, a high percentage of Roma remained with no formal education and the early dropout rates of Roma children were significantly higher than the average national rates.[160] Although segregation and a hostile environment were important factors pushing Roma children to abandon school, CoE-Commissioner noted that extreme poverty was the main reason for early dropout.[161] CoE-ECRI stated that a definition of segregation in education was not included in the 2011 law on education.[162] CoE-Commissioner urged Romania to enhance the inclusion in the school system of Roma children. The authorities should make better use of Roma school mediators.[163]

75. CoE-Commissioner welcomed the adoption of the strategy for Roma inclusion for 2012-2020 and the setting up of an inter-ministerial working group to coordinate the implementation of this strategy. However, he was concerned about the existing structural impediments to its implementation.[164] CoE-Commissioner called on Romania to allocate sufficient funding for the implementation of the strategy, to strengthen its implementation mechanism at central level, and to ensure the accountability of local authorities in implementing the strategy.[165] In 2014, CoE-ECRI made similar recommendations.[166] In 2017, CoE-ECRI commended several initiatives of the Government to ensure sufficient funds and to give impetus to the Strategy. However, it observed that there was no

mechanism in place to guarantee the accountability of local authorities to the central authorities in implementing the Strategy.[167]

76. CoE-Commissioner reiterated the importance of introducing a system for collecting disaggregated ethnicity data, with due respect for the principles of confidentiality, informed consent and the voluntary self-identification of persons as belonging to a particular group.[168]

77. CoE-ECRI stated that the pace of restitution had been slow and a considerable number of religious property restitution cases remained unsolved.[169] PRS noted unresolved cases of confiscated property during the communist regime from the Greek Catholic Church and from Hungarian churches. Moreover, several properties that were returned back, had been renationalised.[170] CoE-ECRI recommended that the authorities give a strong impulse to the resolution of the claims related to the restitution of property to religious and national/ethnic minorities and take a leading role in resolving the property disputes between the Orthodox and Greek Catholic Church.[171]

Migrants, refugees and asylum seekers[172]

78. CoE-ECRI recommended ensuring that the integration programmes entered into by refugees and persons who have been granted other forms of protection are fully implemented and that the effective exercise of the right to employment and access to housing be facilitated through specific measures targeting, inter alia, employers and the housing sector.[173]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society
Individual submissions:

ACTEDO	Equality and Human Rights Action Centre, Cluj-Napoca (Romania);
ACCEPT	ACCEPT Association, Bucharest (Romania);
ADF International	Alliance Defending Freedom International (Geneva) Switzerland;
CLR	Centre for Legal Resources, Bucharest, Romania;
CNE	National Student's Council, Romania;
SCR	Save the Children, Bucharest, (Romania);
PRS	Pro Regio Siculorum Association, Sfântu Gheorghe, Romania.

Joint submissions:

JS1	**Joint submission 1 submitted by**: Save the Children Romania, Bucharest (Romania) and ECPAT International (with 95 network members operating in 86 countries);
JS2	**Joint submission 2 submitted by**: Romania Youth Council (Romania) and the European Youth Forum (Belgium);
JS3	**Joint submission 3 submitted by**: The Romanian Angel Appeal Foundation, ACCEPT Association, The Romanian Association against AIDS, Carusel Association, The Association for Supporting MDR-TB Patients, ECPI-Euroregional Centre for Public Initiatives, The Baylor Black Sea Foundation, Save the Children Romania, The National Union of Organisations of People Living with HIV/AIDS, Romanian Harm Reduction Network and Center for Health Policies and Services (Romania);
JS4	**Joint submission 4 submitted by**: Advocacy Group Freedom of Identity, Civic Engagement Movement and Szekler National Council (Romania).

Regional intergovernmental organization(s):

CoE	The Council of Europe, Strasbourg (France). **Attachments** (CoE-Commissioner) Report by Mr. Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, following his visit to Romania from 31 March to 4 April 2014, Strasbourg, CommDH (2014) 14; (CoE-Commissioner Letter 2016) Letter of the Commissioner for Human Rights to the Prime Minister of Romania, 23 June 2016, Strasbourg; (CoE-Commissioner Letter 2016) Letter of the Commissioner for Human Rights to the Prime Minister of Romania, 23 June 2016, Strasbourg; (CoE-Commissioner Letter 2017) Letter of the Commissioner for Human Rights to the Prime Minister of Romania, 16 March 2017, Strasbourg; (CoE-ECRI) European Commission against Racism and Intolerance report on Romania, adopted on 19 March 2014, CRI (2014) 19; (CoE-ECRI Conclusions) European Commission against Racism and Intolerance's conclusions on the implementation of the recommendations in respect of Romania subject to interim follow-up, adopted on 24 March 2017, CRI (2017) 23; (CoE-GRETA) — Group of Experts on Action against Trafficking in Human Beings, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Romania, Second Evaluation Round, Strasbourg, adopted on 8 July, 2016, GRETA (2016)20; (CoE-CP) Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Huma Beings, Recommendation CP (2016) 11on the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Romania, November 2017; CoE-CPT-Rapport au Gouvernement de la Roumanie relatif à la visite effectuée en Roumanie par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants du 5 au 17 juin 2014, Strasbourg, le 24 septembre 2015.
EU-FRA	European Union Agency for Fundamental Rights, Vienna (Austria).
OSCE/ODIHR	Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe, Warsaw, Poland. **Attachment** (OSCE/ODIHR Report Parliamentary Elections Report 2012) OSCE/ODIHR Needs Assessment Mission Report 27-29 September, Parliamentary Elections on 11 December, 2016, Warsaw, 31 October, 2016.

[2] The following abbreviations are used in UPR documents:

OP-ICESCR	Optional Protocol to International Covenant on Economic, Social and Cultural Rights;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities.

[3] For relevant recommendations see A/HRC/23/5, paras. 109.2, 109.4-109.10.

[4] CoE-ECRI, para. 5.

[5] JS2, para. 19.

[6] For relevant recommendations see A/HRC/23/5, paras. 109.23-109.26, 109.28.

[7] JS1, para. 16, JS2, para. 3 and CoE-Commission, p. 4.

[8] CoE-Commissioner, p. 4 and 157. See also JS1, p. 6.

[9] JS2, paras. 4 and 5. See also JS1, para. 18 and CoE-Commissioner, para. 153.

[81] For the full text of the recommendations see A/HRC/23/5, paras. 109.23-109.25.
[82] JS1, p. 6.
[83] CoE-Commissioner Letter 2017, p. 3.
[84] For relevant recommendations see A/HRC/23/5, paras. 109.17, 109.39, 109.42-109.48, 109.50, 109.54-109.71.
[85] ACCEPT, para. 7.
[86] CoE-ECRI, Para. 69.
[87] SCR, para. 1. See also ACCEPT, para. 12 and ACTEDO, para. 21.
[88] ACTEDO, para. 23. See also SCR, para. 7.
[89] CoE-Commissioner, p. 4 and paras. 185 and 166. See also CoE-ECRI, p. 10 and EU-FRA, p. 12.
[90] PRS, para. 26.
[91] ACCEPT, para. 15.
[92] EU-FRA, p. 13.
[93] ACCEPT, para. 3.
[94] CoE-Commissioner, para. 219. See also ACCEPT, para. 16.
[95] CoE-Commissioner, p. 4. See also para. 185.
[96] CoE-ECRI, paras. 95-96.
[97] CoE-Commissioner, p. 5. See also CoE-Commissioner Letter 2016, p. 3, and ACCEPT, para. 9.
[98] CoE-ECRI, para. 41.
[99] CoE-ECRI Conclusions, p. 5.
[100] EU-FRA, p. 17.
[101] ACCEPT, para. 3 and ACTEDO para. 23. See also ADF International, paras. 9-13.
[102] ACTEDO, para. 23. See also ACCEPT, para. 3.
[103] ACCEPT, para. 13. See also EU-FRA, p. 14.
[104] ACCEPT, para. 13.
[105] For relevant recommendations see A/HRC/23/5, paras. 109. 37, 109.75, 109.77, 109.78.
[106] CoE-CPT, paras. 15 and 52.
[107] CoE-Commissioner, p. 5. See also CoE-Commissioner Letter 2016, p. 2.
[108] CoE-CPT, para. 149.
[109] CoE-CPT, para. 152.
[110] ACTEDO, para. 9.
[111] ACTEDO, para. 11.
[112] ACTEDO, para. 15.
[113] For relevant recommendations see A/HRC/23/5, paras. 109.40, 109.46, 109.76, 109.77, 109.91 and 109.103.
[114] CoE-CPT, para. 23.
[115] CoE-CPT, para. 25.
[116] CoE-CPT, para. 18.
[117] CoE-CPT, para. 43.
[118] For the full text of the recommendations see A/HRC/23/5, para. 109. 46, 109. 77 and 109.91.
[119] ACTEDO, paras. 1-5.
[120] ACTEDO, para. 7. See also CoE-ECRI, para. 53.
[121] CoE-ECRI, para. 189.
[122] CoE-Commissioner, p. 5. See also CoE-Commissioner Letter 2016, p. 2.
[123] For relevant recommendations see A/HRC/23/5, paras. 109.58 and 109. 107.
[124] CoE-ECRI, para. 12.
[125] For relevant recommendations see A/HRC/23/5, paras. 109.84, 109.88, 109.89, 109.91-109.93.
[126] CoE-CP, paras. 1 and CoE-GRETA, paras. 214, 217, 218 and 220.
[127] CoE-CP, para. 2 and CoE-GRETA, pp. 45-46.
[128] CoE-GRETA, p. 49 and para. 189.
[129] CoE-GRETA, p. 49 and para. 197.
[130] For relevant recommendations see A/HRC/23/5, paras. 109. 45, 109.48, 109.56, 109.65, 109. 110-109. 111.
[131] JS3, para. 3.
[132] JS3, para. 5.
[133] JS3, para. 3.
[134] JS3, para. 4.
[135] JS3, para. 6.
[136] ACTEDO, para. 14. See also JS1, para. 6 and JS2, paras. 9 and 11.
[137] JS3, para. 7.
[138] JS3, para. 3. See also JS2, para. 12 and ACTEDO, para. 15.
[139] For relevant recommendations see A/HRC/23/5, paras. 109. 112, 109. 115-109.124.
[140] CNE, p. 1.

[70] CSO, p. 2.
[71] SCR, para. 3.
[72] ACTEDO, para. 14; JS2, paras. 9-11 and JS3, para. 7.
[73] JS3, para. 9. See also JS2, paras. 9 and 10.
[74] JS3, paras. 8 and 10. See also ACTEDO, para. 15.
[75] JS2, para. 12.
[76] ACTEDO, para. 7.
[77] For relevant recommendations see A/HRC/23/5, paras. 109.29-109.35, 109.60, 109.66, 109.79-109.82, 109.98-109.100, 109.105, 109.113, 109.114.
[78] SCR, para. 23.
[79] Col-Commissioner, para. 118; Col-Commissioner Letter 2017, p. 2 and EU-FRA, p. 14.
[80] JS1, paras. 9 and 13.
[81] JS1, para. 15.
[82] JS1, para. 22.
[83] JS1, p. 6.
[84] JS1, para. 14.
[85] JS1, p. 6.
[86] Col-Commissioner, p. 3. See also paras. 96-100.
[87] Col-Commissioner, para. 110 and pp. 3-4.
[88] Col-Commissioner, p. 3. See also paras. 101-106.
[89] Col-Commissioner, para. 107.
[90] Col-Commissioner, para. 111 and pp. 3-4.
[91] Col-GRETA, p. 47 and para. 70.
[92] Col-Commissioner, p. 4. See also paras. 113-117.
[93] Col-Commissioner Letter 2017, p. 2.
[94] SCR, para. 12 and EU-FRA, para. 5, p. 5 and para. 5, p. 7.
[95] EU-FRA, para. 2.
[96] SCR, paras. 26, 30 and 31.
[97] JS2, paras. 15 and 16.
[98] EU-FRA, para. 1, p. 6.
[99] Col-Commissioner, p. 4, see also paras. 141 and 142.
[100] JS1, para. 23. See also EU-FRA, p. 9.
[101] EU-FRA, p. 9.
[102] For relevant recommendations see A/HRC/23/5, paras. 109.125-109.131 and 109.40.
[103] CER, p. 2.
[104] Col-Commissioner, p. 3 and Col-Commissioner Letter 2017, p. 2.
[105] Col-Commissioner Letter 2017, p. 2.
[106] Col-Commissioner, p. 3. See also Col-Commissioner Letter 2017, p. 1.
[107] Col-Commissioner Letter 2017, p. 2. See also CER, pp. 3-4.
[108] Col-Commissioner Letter 2017, p. 2.
[109] Col-Commissioner, para. 41. See also Col-Commissioner Letter 2017, p. 2.
[110] CER, p. 8.
[111] Col-Commissioner, p. 3 and para. 38. See also Col-Commissioner Letter 2017, p. 1.
[112] Col-Commissioner, p. 3 and para. 39.
[113] CER, p. 8.
[114] Col-Commissioner, p. 3. See also paras. 26-31.
[115] Col-Commissioner, paras. 42 and 43.
[116] Col-Commissioner, para. 44.
[117] Col-Commissioner, p. 3. See also paras. 45-47.
[118] Col-Commissioner, para. 48.
[119] Col-Commissioner, para. 48 and 22. See also Col-CPT, paras. 153-154.
[120] CER, p. 7.
[121] Col-Commissioner, paras. 53-55 and p. 3. See also CER, p. 8.
[122] Col-Commissioner, p. 3. See also SCR, para. 5.
[123] Col-Commissioner, para. 66.
[124] Col-Commissioner, p. 3.
[125] For relevant recommendations see A/HRC/23/5, paras. 109.38, 109.44, 109.46, 109.47, 109.49-109.53, 109.55-109.58, 109.60-109.65, 109.74, 109.106, 109.108, 109.109, 109.133-109.146, 109.151.
[126] Col-ECRI, p. 9.
[127] OSCE/ODIHR Report 2016, pp. 3-4.
[128] Col-ECRI, p. 9.
[129] JS4, paras. 2-3.

[130] JS4, para. 8.
[131] Col-I-UCRI, para. 166.
[132] PRN, para. 27.
[133] JS4, para. 4.
[134] PRN, para. 7.
[135] PRN, para. 17.
[136] Col-I-UCRI, para. 168.
[137] SRN, paras. 3 and 4.
[138] JS4, para. 30.
[139] PRN, 22-24.
[140] JS4, p. 14. See also PRN, para. 27.
[141] Col-I-UCRI, para. 170.
[142] JS4, p. 14.
[143] JS4, paras. 11-17.
[144] PRN, para. 10.
[145] JS4, para. 17.
[146] JS4, p. 14.
[147] JS4, p. 14.
[148] JS4, para. 24. See also PRN, para. 11.
[149] JS4, p. 14.
[150] Col-I-UCRI, paras. 195-196.
[151] Col-Commissioner, p. 4. See also OSCE-ODIHR, p. 3.
[152] Col-Commissioner, para. 187 and p. 4. See also paras. 173 and OSCE-ODIHR, p. 3.
[153] ACTED3, paras. 16-18.
[154] Col-Commissioner, para. 174.
[155] ACTED3, para. 16.
[156] Col-Commissioner Letter, 2016, p. 1.
[157] ACTED3, para. 19.
[158] Col-I-UCRI, para. 145.
[159] ACTED3, para. 19. See also Col-I-UCRI, para. 143.
[160] Col-Commissioner, p. 4. See also NCR, para. 6.
[161] Col-Commissioner, para. 176.
[162] Col-I-UCRI, para. 82.
[163] Col-Commissioner, p. 4.
[164] Col-Commissioner, p. 5. See also Col-I-UCRI, paras. 108-109.
[165] Col-Commissioner, p. 5.
[166] Col-I-UCRI, para. 110.
[167] Col-I-UCRI Conclusions, p. 6.
[168] Col-Commissioner, para. 221.
[169] Col-I-UCRI, para. 19.
[170] PRN, para. 20.
[171] Col-I-UCRI, paras. 21 and 25.
[172] For relevant recommendations see A/HRC/23/9, paras. 109.147, 109.148, 109.150.
[173] Col-I-UCRI, para. 176.